

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOSEPH L. BROWN, #07942-025 )  
vs. )  
Plaintiff, )  
vs. )  
UNKNOWN PARTY, *et al.*, )  
Defendants. )  
CIVIL NO. 10-818-GPM

## **MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

On October 25, 2010, Plaintiff moved this Court for voluntary dismissal of this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(i) (Doc. 7). Defendants have not yet been served; therefore, no Defendant has filed an answer or a motion for summary judgment. In these circumstances, voluntary withdrawal of his claim is Plaintiff's right. Accordingly, this action is **DISMISSED without prejudice**. All pending motions are **DENIED** as moot.

## IT IS SO ORDERED.

DATED: 03/31/11

s/ *G. Patrick Murphy*  
G. PATRICK MURPHY  
United States District Judge